

**ORIGINAL SUMMONS**

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
500 SOUTH DENVER AVENUE, TULSA, OKLAHOMA, 74103

JUN - 9 2008

Legal Division

CJ 2008 03890

DENNY LINDLEY,

Plaintiff,

vs.

LIFE INVESTORS INSURANCE COMPANY  
OF AMERICA,

Defendant.

Case No. CJ-\_\_\_\_\_

Attorney for Plaintiff:

Eric J. Begin, OBA #15671  
McGivern, Gilliard & Curthoys  
Post Office Box 2619  
Tulsa, Oklahoma 74101-2619

TO THE NAMED DEFENDANT:

LIFE INVESTORS INSURANCE COMPANY  
OF AMERICA

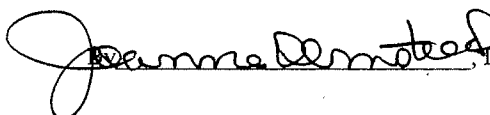
c/o Oklahoma Insurance Commission  
Post Office Box 53408  
Oklahoma City, OK. 73152-3408

**TO BE SERVED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

You have been sued by the above named Plaintiff, Denny Lindley, and you are directed to file a written answer to the attached Petition in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. Unless you answer the Petition within the time stated, judgment will be rendered against you with costs of this action.

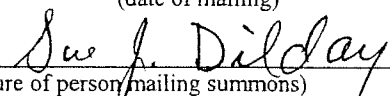
Issued this 30 day of May, 2008.

TULSA COUNTY COURT CLERK

 Deputy Court Clerk

(Seal)

This summons and order was mailed Certified Mail/Return Receipt Requested on 6-2-08  
(date of mailing)

  
(Signature of person mailing summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

DENNY LINDLEY,

Plaintiff,

DISTRICT COURT  
**FILED**

CJ 2008 03890

vs.

MAY 30 2008

Case No. \_\_\_\_\_

J. MICHAEL GASSETT

LIFE INVESTORS INSURANCE  
COMPANY OF AMERICA,

SALLY HOWE SMITH COURT CLERK  
STATE OF OKLAHOMA

EXHIBIT C  
JURY TRIAL DEMANDED

Defendant.

ATTORNEY LIEN CLAIMED

PETITION

COMES NOW the Plaintiff, Denny Lindley, by and through his attorney of record, Eric J. Begin, of the law firm of McGivern, Gilliard & Curthoys, Tulsa, Oklahoma, and for his Petition against the Defendant, states and avers as follows:

I.

Plaintiff is a resident of Tulsa County, State of Oklahoma.

II.

Defendant, Life Investors Insurance Company of America, is a foreign corporation, which conducts business in Tulsa County, State of Oklahoma.

III.

The policies of insurance, out of which this litigation arises, were entered and formed within Tulsa County, State of Oklahoma.

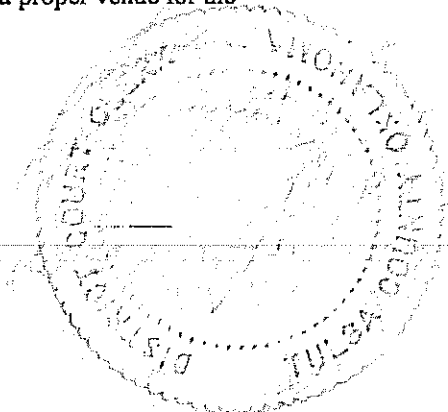
IV.

The tortious conduct out of which this lawsuit arises occurred within Tulsa County, State of Oklahoma.

V.

This Court has jurisdiction over the parties herein, and Tulsa County is a proper venue for the

2008 MAY 30 P 4:29  
SALLY HOWE SMITH  
COURT CLERK



maintenance of this action.

VI.

Plaintiff purchased supplemental policies of insurance from Defendant providing for payment of certain medical expenses.

VII.

Plaintiff alleges he has incurred medical bills and expenses resulting from a diagnosis of cancer, for which demand was made of Defendant that they satisfy their contractual obligations. Defendants failed and refused to satisfy those obligations, and they are in breach of contract.

VIII.

Plaintiff alleges the actions of Defendant, Life Investors Insurance Company of America, constitute the tort of failure to act in good faith and fair dealing and they thereby acted in bad faith.

IX.

Plaintiff further alleges the negligence of the agents/employees of the Defendant in handling, and adjusting his claims, has caused Plaintiff compensable injuries.

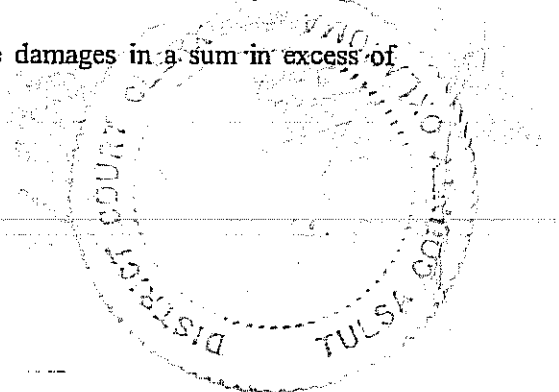
X.

Plaintiff alleges he has suffered all damages compensable under Oklahoma law.

XI.

Plaintiff alleges the actions of Defendant have been such that they should be punished by an award of punitive damages to deter this Defendant, and others similarly situated, from acting in a similar manner.

WHEREFORE, premises considered, the Plaintiff, Denny Lindley, prays that he have and receive against the Defendant, for his actual compensatory damages a sum in excess of \$10,000.00, that he have and receive judgment against the Defendant for punitive damages in a sum in excess of



\$10,000.00, that he receive his costs of this proceeding, statutory interest, pre- and post-judgment, attorney fees as set by statute, and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

**MCGIVERN, GILLIARD & CURTHOYS**

*Eric J. Begin*

Eric J. Begin, OBA #15671  
Post Office Box 2619  
Tulsa, Oklahoma 74101-2619  
Telephone: (918) 584-3391  
Facsimile: (918) 592-2416  
*Attorney for Plaintiff*

86559\petition-at

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma; this

JUN 26 2008

*Sally Howe Smith*  
Deputy



THE OKLAHOMA STATE COURTS NETWORK

[www.oscn.net](http://www.oscn.net)

[Home](#) [Courts](#) [Court Dockets](#) [Legal Research](#) [Calendar](#) [Help](#)

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, [51 O.S. 24A.1](#). Use of this information is governed by this act, as well as other applicable state and federal laws.

## IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

DENNY LINDLEY, Plaintiff, v. LIFE INVESTORS INSURANCE COMPANY OF AMERICA, Defendant.	<b>No. CJ-2008-3890</b> <b>(Civil relief more than \$10,000:</b> <b>BAD FAITH INSURER LIABILITY)</b>  Filed: 05/30/2008  Judge: Gassett, J. Michael
---	---

### Parties

LIFE INVESTORS INSURANCE COMPANY OF AMERICA , Defendant  
LINDLEY, DENNY , Plaintiff

### Attorneys

#### Attorney

Begin, Eric James(Bar # 15671)  
MCGIVERN, GILLIARD & CURTHOYS  
P O BOX 2619  
TULSA, OK 74101

#### Represented Parties

LINDLEY, DENNY

### Events

Event	Party	Docket	Reporter
-------	-------	--------	----------

### Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

#### Issue # 1.

Issue: BAD FAITH INSURER LIABILITY  
(INSURE)

Filed by: LINDLEY, DENNY

Filed Date: 05/30/2008

#### Disposition Information:

#### Party Name:

**Defendant:** LIFE INVESTORS INSURANCE  
COMPANY OF AMERICA

Pending.

#### Issue # 2.

Issue: BREACH OF AGREEMENT -  
CONTRACT (CONTRACT)

Filed by: LINDLEY, DENNY

Filed Date: 05/30/2008

#### Disposition Information:

#### Party Name:

**Defendant:** LIFE INVESTORS INSURANCE  
COMPANY OF AMERICA

Pending.

### Docket

Date	Code	Count	Party	Serial #	Entry Date		
05-30-2008	TEXT	1		67206441	May 30 2008 4:24:41:480PM	-	\$ 0.00
	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.						
05-30-2008	INSURE	-		67206443	May 30 2008 4:24:41:490PM	Realized	\$ 0.00
	BAD FAITH INSURER LIABILITY						
05-30-2008	DMFE	-		67206444	May 30 2008 4:24:41:500PM	Realized	\$ 2.00
	DISPUTE MEDIATION FEE(\$ 2.00)						
05-30-2008	PFE1	-		67206445	May 30 2008 4:30:07:570PM	Realized	\$ 150.00
	PETITION(\$ 150.00)						
	 Document Available at Court Clerk's Office						
05-30-2008	PFE7	-		67206446	May 30 2008 4:24:41:500PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)						
05-30-2008	OCISR	-		67206447	May 30 2008 4:24:41:500PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)						
05-30-2008	CCADMIN	-		67206448	May 30 2008 4:24:41:500PM	Realized	\$ 1.00
	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 1.00)						
05-30-2008	CHAB	-		67206449	May 30 2008 4:24:41:500PM	Realized	\$ 10.00
	C.H.A.B. STATUTORY FEE(\$ 10.00)						
05-30-2008	AGVSU	-		67206450	May 30 2008 4:24:41:500PM	Realized	\$ 3.00
	ATTORNEY GENERAL VICTIM SERVICES UNIT(\$ 3.00)						
05-30-2008	CCADMIN03	-		67206451	May 30 2008 4:24:41:500PM	Realized	\$ 0.30
	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.30)						
05-30-2008	LTF	-		67206452	May 30 2008 4:24:41:510PM	Realized	\$ 10.00
	LENGTHY TRIAL FUND(\$ 10.00)						
05-30-2008	SMF	-		67206453	May 30 2008 4:24:41:520PM	Realized	\$ 5.00
	SUMMONS FEE (CLERKS FEE)(\$ 5.00)						
05-30-2008	SMIMA	-		67206454	May 30 2008 4:24:41:540PM	Realized	\$ 0.00
	SUMMONS ISSUED - MAILED BY ATTORNEY						
05-30-2008	TEXT	-		67206442	May 30 2008 4:24:41:480PM	-	\$ 0.00
	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE GASSETT, J. MICHAEL TO THIS CASE.						
05-30-2008	ACCOUNT	-		67206494	May 30 2008 4:26:12:890PM	-	\$ 0.00
	RECEIPT # 2008-1463134 ON 05/30/2008. PAYOR: MCGIVERN GILLARD & CURTHOYS TOTAL AMOUNT PAID: \$ 212.30. LINE ITEMS: CJ-2008-3890: \$155.00 ON AC01 CLERK FEES. CJ-2008-3890: \$3.00 ON AC07 ATTORNEY GENERAL VICTIM SERVICES UNIT.						

CJ-2008-3890: \$6.00 ON AC23 LAW LIBRARY FEE.  
CJ-2008-3890: \$1.30 ON AC31 COURT CLERK REVOLVING FUND.  
CJ-2008-3890: \$2.00 ON AC64 DISPUTE MEDIATION FEES.  
CJ-2008-3890: \$10.00 ON AC69 CHILD ABUSE MULTIDISCIPLINARY FEE.  
CJ-2008-3890: \$25.00 ON AC79 OCIS REVOLVING FUND.  
CJ-2008-3890: \$10.00 ON AC81 LENGTHY TRIAL FUND.

---

---

Report Generated by The Oklahoma Court Information System at June 30, 2008 10:19 AM

---

End of Transmission.